

REMARKS

Claims 1, 2, 4, 5, 15, 17 and 19 remain pending in this application. Claims 1-5 and 15-19 are rejected. Claims 3, 16 and 18 are cancelled herein. Claims 6-14 are previously cancelled. Claims 1 and 19 are amended herein to address matters of form unrelated to substantive patentability issues.

Applicants herein traverse and respectfully request reconsideration of the rejection of the claims cited in the above-referenced Office Action.

Claims 1-5, 15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Haubach (US 5,925,439). Claims 1-3, 5 and 17-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lang (US 4,994,053). Claims 3 and 18 are cancelled, rendering their rejections moot. Applicants herein respectfully traverse these rejections as pertaining to remaining claims 1, 2, 4, 5, 15, 17 and 19. “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” ***Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.***, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added).

Independent claim 1 is amended to incorporate the subject matter of claim 16, which includes a recitation that “a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet,” a feature lacking in both Haubach and Lang, as clearly evidenced by the fact that claim 16 was

not rejected as anticipated by either reference. As claim 1 now recites this feature, applicants respectfully submit that it too avoids anticipation on the basis of these two cited references, as does the remaining rejected claims which depend therefrom.

In view of the above, it is respectfully submitted that claims 1, 2, 4, 5, 15, 17 and 19 particularly describe and distinctly claim elements not disclosed in the cited reference. Therefore, reconsideration of the rejections of claims 1, 2, 4, 5, 15, 17 and 19 and their allowance are respectfully requested.

Claim 16 is rejected as obvious over Haubach in view of Packard et al. (US 4,851,069) under 35 U.S.C. §103(a). The applicants herein respectfully traverse this rejection. For a rejection under 35 U.S.C. §103(a) to be sustained, the differences between the features of the combined references and the present invention must be obvious to one skilled in the art.

Claim 16 is now cancelled rendering its rejection moot. However, insofar as the subject matter of amended claim 1 reflects that of cancelled claim 16, as mentioned above, applicants submit the following remarks.

It is the Examiner's position that claim 16, the subject matter of which is now incorporated into newly revised claim 1, is made obvious based upon the proffered combination of Haubach and Packard. The Office Action admits "Haubach does not specifically disclose a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet." The Examiner seeks to combine with Haubach, the teaching of Packard et al., which allegedly teaches that

“it is known in the art that the deposition speed of the absorbent particles is a result effective variable, which controls the amount of powdered absorbent particles deposited on the substrate.” The Examiner refers to column 8, lines 14-24 for support.

Applicants respectfully submit that Haubach teaches away from the requirement of former claim 16, the subject matter of which has been incorporated into amended claim 1, as discussed more fully below.

The subject matter of former claim 16 recites that a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet and the covering sheet. In the rejection, the Examiner avers that a top roll 11 and a bottom roll 12 of Haubach corresponded to a temporary receiving roll and a receiving and a transferring roll of the present invention, respectively. However, at col.2, lines 52-61 of Haubach, there is the following significant and revealing description:

The top roll 11 comprises embossing heads 13 in the form of spherical segments, whereas the bottom roll 12 is provided with corresponding calotte-type impressions 14. The non-woven layer 6 held on a supply roll 15 runs via a deflection pully 16 and continues through the gap between the top roll 11 and the bottom roll 12. By means of the embossing

heads 13 of the top roll 11 engaging with the impressions 14 of the bottom roll 12, the impressions 7 are embossed into the non-woven layer 6.

As is clear from the above disclosure, in Haubach, the shifting speed of the top 11 must be same to that of the bottom roll 12, in order for the embossing heads 13 (in the form of spherical segments) to properly mesh with the with the corresponding calotte-type impressions 14 of the bottom roll 12. Therefore, Haubach teaches away from the claimed provision that “a shifting speed of the powder particle layer is made slower than respective speeds of the base sheet” as recited in amended claim 1.

It is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one skilled in the art. *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 230 USPQ 416, 420 (Fed. Cir. 1986) citing *In re Wesslau*, 353 F2d 238, 241, 147 USPQ 391, 393 (CCPA 1965). Therefore, consideration must properly be given to teachings of the prior art which would lead one away from the claimed invention as well as those that might suggest the invention. *Mendenhall v. Astec Industries, Inc.*, 13 USPQ2d 1913, 1939 (Tenn 1988), *aff'd*, 13 USPQ2d 1956 (Fed. Cir. 1989).

It is further respectfully submitted by the applicants, in favor of the patentability of independent claim 1 over the proffered combination, that Packard et al. does not disclose a method for adjusting the shifting speed of the powder particle “layer”. In Packard et al., an object to be transferred is not a powder particle layer, but rather powder particles.

In the present invention, powder particles are supplied to a concave groove of the temporary receiving roller face, to form the powder particle layer, and the powder particle layer is subsequently transferred onto the base sheet, while shifting the powder particle layer held on the temporary receiving roller face. Additionally, the shifting speed of the powder particle layer is made slower than the speed of the base sheet. As a result, the powder particle layer being transferred onto the base sheet becomes a linear shape or a blurred pattern in a shifting direction (see page 23, lines 8-16 of the substitute specification). Thus, in accordance with the present invention of amended claim 1, the shifting speed of the powder particle layer is set to be slower than the speed of the base sheet, in order to adjust the pattern of the powder particle layer on the base sheet.

In stark contrast, Packard et al. describes particles which are conveyed by a rotary brush 44 installed at a bottom of a hopper 42, and a shower S of the particles are applied onto a base tissue BT from the hopper 42 (see Packard et al., col. 5 lines 52-63, and col. 6, lines 10-14). In Packard et al., the speed of rotation of the rotary brush 44

is altered to adjust the amount of particles being applied on the base tissue BT (see Packard et al., col. 8 lines 14-24).

Thus, both the object and the effect of making the shifting speed of the powder particle layer slower than the speed of the base sheet of the present invention are different from those of altering the speed of rotation of the rotary brush 44 of Packard et al., and therefore, the present invention has an unexpected result to that achieved by Packard et al.

In further support of the patentability of claim 1, applicants note that neither Haubach nor Packard et al. discloses the claimed requirement of “supplying powder particles to a concave groove of a temporary receiving roller face to form the powder particle layer.” In Haubach, particles 8 are held on the surface of the embossing heads 13 of the top roll 11 and transferred. In Packard et al., particles are conveyed by the rotary brush 44. Both the embossing heads 13 of the top roll 11 of Haubach and the rotary brush 44 of Packard et al. are different from the temporary receiving roll with the concave groove. In Haubach and Packard et al., it is, at the least, difficult to hold and transfer a constant amount of particles.

In contrast, since the powder particle is held in the concave groove of the temporary receiving roller face, to be formed as a layer, and since the formed layer is transferred onto the base sheet in accordance with the presently claimed amendment, a constant amount of the powder particles are stably fixed onto a predetermined

position of the base sheet, and bouncing of the powder particles is prevented appropriately (see, eg., page 34, lines 4-16 of the substitute specification).

Thus, it is respectfully submitted that the newly amended claim 1 incorporating the subject matter of former claim 16 is not obvious in view of the cited references for the reasons stated above. Allowance of claim 1, and claims 2, 4, 5, 15, 17 and 19 dependent therefrom, is respectfully requested.

No fee is believed due. If there is any fee due the USPTO is hereby authorized to charge such fee to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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